THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.1720 of 1999

Dated : 25.06.2007

Between:

P.Hari Prakash Reddy S/o Gurava Reddy and others.

… **PETITIONERS**

And:

The District Collector, Chittoor and another.

….**RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.1720 of 1999

ORDER:

Petitioners are the owners of the land in Sy.No.9/2B.I.B situated at Tirupati accounts, Tirupati, Chittoor District. The respondents proposed to acquire an extent of Acs.1.32 cents of land in the said survey number for the purpose of widening of road to 60 feet from Tirumala Tirupati Devasthanam by-pass road to Renigunta road, by issuance of a notification under Section 4(1) of the Land Acquisition Act, 1894 (for short "the Act") on 08.05.1997. Subsequently, enquiry under Section 5-A of Act was conducted and the petitioners submitted their objections for the proposed acquisition. Petitioners allege that without considering their objections, draft declaration under Section 6 of the Act was issued. Now their grievance is that there is variation in the extent proposed to be acquired i.e, in the notification issued under Section 4(1) of the Act, it was mentioned as Acs.1.32 cents, in the draft declaration as Acs.1.40 cents and in the errata as Acs.1.98 cents, and

that it was enhanced without giving any opportunity to them. Their further grievance is that there is already an existing road which is being widened to a four track road on both sides of the land of the petitioners and therefore, the land of the petitioners is not required for the said road widening. Therefore, they seek to set aside the notification issued under Section 4(1) of the Act and consequential proceedings.

The second respondent filed a counter-affidavit stating, inter alia, that pursuant to the requisition of the Vice Chairman of the Tirupati Urban Development Authority, land acquisition proceedings in this case were initiated, that the objections of the petitioners were not considered as their land is more essential for widening the road in order to reduce the vehicular traffic congestion on the railway over bridge near R.T.C. Bus-stand, and that except the petitioner, all others have consented for the acquisition. With regard to the variation of extent, the second respondent stated that there was clerical error in computing the area to be acquired in the original notification and after it was correctly calculated, errata has been issued mentioning the required extent.

Heard the learned counsel for the petitioners, learned Government Pleader for Land Acquisition and the learned counsel appearing for the second respondent.

The main contention of the learned counsel for the petitioner is that originally an extent of Acs.1.32 cents of the land was proposed to be acquired and accordingly notification under Section 4(1) of the Act was issued, when it came to the draft declaration, it was enhanced to Acs.1.40 cents and subsequently, as per errata, it was further enhanced to Acs.1.98 cents. Therefore, he submits that the petitioners submitted objections only with regard to Acs.1.32 cents of land is concerned, and they were not given any opportunity to raise their

objection with regard to enhanced land is concerned and as such, the entire acquisition proceedings are liable to be set aside.

Per contra, learned counsel appearing for the second respondent contended that as the area required was wrongly calculated, lesser extent was mentioned in the earlier proceedings and after calculating the same, errata was issued mentioning the correct extent, and there is no illegality in the action of the respondents.

Having heard both the counsel and perused the material on record, it is clear that the land in question is sought to be acquired for widening of road to 60 feet from Tirumala Tirupati Devasthanam by-pass road to Renigunta road covering Tirupati, Akkarampally, and Konkachennayagunta villages, and the acquisition proceedings were initiated in three phases. Except the petitioners, other landowners have not objected for the acquisition. Further, the land belonging to the petitioners is sought to be acquired for public purpose i.e, widening of the road, which is very much needed. Except stating that they were not given sufficient opportunity, petitioners could not say as to whether there are any lapses in initiating the proceedings. In fact, enquire acquisition proceedings are initiated strictly in accordance with the provisions of the Act. Hence, this Court sees no merit in this writ petition.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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25.06.2007

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